

REMARKS

This Amendment is in response to the Office Action mailed on December 1, 2005 and in response to the Notice of Non-Compliant Amendment mailed on February 16, 2006. On December 12, 2005, an administrative assistant of the undersigned Attorney submitted a facsimile to the United States Patent & Trademark Office to resubmit a paper entitled "Transmittal of Power of Attorney by Assignee and Change of Correspondence Address." The paper was originally filed with the Amendment that was filed with the USPTO on July 11, 2005. In addition to submitting the documents to change the power of attorney and correspondence address for this case for the undersigned attorney's law firm, a copy of the Amendment filed on July 11, 2005 and the received and stamped postcard receipt were also submitted with the December 12, 2005 facsimile. The copy of the Amendment filed on July 11, 2005 was submitted in error and the Applicant respectfully requests that this copy of the Amendment filed on July 11, 2005 be withdrawn. The Amendment filed herein supersedes the copy of the July 11, 2005 Amendment that was submitted on December 12, 2005.

Claims 1-20 are pending in this application. Claims 1-20 were rejected by the Examiner. Claims 1 and 10 are amended. Claim 11 is cancelled. Support for the amendments is found throughout the as-filed specification and the drawings. In view of the following amendments and remarks, Applicant respectfully requests reconsideration of the application.

Claims 1, 4-6, 10, 11, 14-16, and 20 were rejected under 35 U.S.C. 102(b) as being anticipated by US Patent No. D408,246 to Juratovac et al. ("Juratovac"). Applicants respectfully traverse. Juratovac does not disclose all of the elements of independent claims 1, 6, 10, and 20.

Initially, Juratovac does not disclose or suggest that the chain saw includes a front-to-rear center-of-gravity that is at least partially beneath the front handle or at least partially in front of the front handle as is required by amended claim 1, or a center-of-gravity that is proximate the front handle, as is required by claims 6 and 10. Juratovac is a design patent that shows a chain saw. The Examiner stated in the Office Action dated December 1, 2006 that the battery and power pack is the oval shaped member

shown in the figures that is adjacent to the electric motor, which the Examiner interprets to be enclosed within the vented motor housing. While Applicant does not admit that the structure identified by the Examiner is a battery, assuming, *arguendo*, that the structure noted by the Examiner is the battery and power pack and that the motor is located within the vented housing, Juratovac does not disclose or suggest all of the limitations of independent claims 1, 6, and 10.

The undersigned attorney has completely reviewed the Juratovac design patent and notes that Juratovac provides no description of where the center-of-gravity is located on the Juratovac chain saw. As best shown in FIGs. 3 and 4, the Juratovac battery is provided entirely behind the front handle and a substantial portion of the vented housing (which the Examiner has interpreted to enclose the motor) is also positioned behind the front handle. This geometry does not provide any disclosure or teaching of the location of the Juratovac center-of-gravity, much less that the center-of-gravity is at least partially beneath or at least partially in front of the front handle as in claim 1, or that the center-of-gravity is proximate to the front handle as in claims 6 and 10. Because the figures in Juratovac do not provide any description or teaching of where the Juratovac center-of-gravity is located, Juratovac cannot anticipate these claims and the Examiner has not supplemented Juratovac with any additional evidence of the Juratovac center-of-gravity in the record. See MPEP 2125. Accordingly, because Juratovac does not disclose or suggest all of the limitations of claims 1, 6, and 10, Juratovac cannot anticipate these claims, nor dependent claims 4-5 and 14-16. Applicant respectfully requests that the rejection of claims 1, 4-6, 10, and 14-16 be withdrawn. Claim 11 is cancelled.

Additionally, claims 7, 8, 17, and 18 were rejected as being obvious under 35 U.S.C. § 103(a) over Juratovac. The Examiner stated that it would have been obvious to locate the electrical coupling as claimed in claims 7, 8, 17, and 18 because shifting the location of parts is obvious to one of ordinary skill in the art if the operation of the device would not thereby be modified. Because Juratovac does not disclose or suggest all of the limitations of claims 6 or 10, dependent claims 7, 8, 17, and 18 cannot be rendered obvious by Juratovac. Applicant respectfully requests that the rejection of claims 7, 8, 17, and 18 be withdrawn.

The Examiner additionally rejected independent claim 20 as being anticipated by Juratovac. Claim 20 requires that the power pack is positioned "at least partially in front of the front handle." Juratovac does not disclose or suggest either of these limitations. In contrast, as best shown in FIGs. 3 and 4 of Juratovac, the structure that the Examiner interprets to be the battery (i.e. the oval shaped member behind the vented portion of the housing) is located behind and not at least partially in front of the front handle. Because the Juratovac battery is located completely behind the front handle, Juratovac cannot anticipate claim 20. Applicant respectfully requests that the rejection of claim 20 be withdrawn.

Claims 2-3 and 12-13 were rejected as being obvious under 35 U.S.C. § 103(a) over Juratovac in view of U.S. Patent No. 5,016,355 to Gassen ("Gassen"). Applicant respectfully traverses. The combination of Juratovac and Gassen does not disclose all of the limitations of claims 1 and 10. Specifically, the combination does not disclose or suggest that the front to rear center-of-gravity of the chain saw is at least partially beneath or at least partially in front of the front handle as is required in claim 1 and the combination does not disclose or suggest that the center-of-gravity is located proximate the front handle, as is required by amended claim 10. Because this combination does not disclose or suggest all of the limitations of claims 1 and 10, the combination cannot render claims 2-3 and 12-13 obvious. Applicant respectfully requests that the rejection of claims 2-3 and 12-13 be withdrawn.

Claims 9 and 19 were rejected as being obvious under 35 U.S.C. § 103(a) over Juratovac in view of U.S. Patent No. 5,212,913 to Anthony III ("Anthony"). Applicant respectfully traverses. The combination of Juratovac and Anthony does not disclose all of the limitations of independent claim 6, much less claim 9. Specifically, the combination does not disclose a chain saw with a front to rear center-of-gravity located at least partially in front of the front handle. Because the combination does not disclose or suggest all of the limitations of independent claim 6, the combination cannot render claim 9 obvious. Applicant respectfully requests that the rejection of claim 9 be withdrawn.

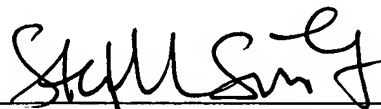
The combination of Juratovac and Anthony does not render claim 19 obvious. Specifically, the combination does not disclose a chain saw with a front handle and a

rear handle with a portion of the power pack positioned directly below the front handle and a front-to-rear center-of-gravity located proximate the front handle. While Anthony includes a power pack that is located below the single handle of the tool when installed, the type of handle disclosed in Anthony is unsuitable for use in a chain saw and therefore, the combination of these references does not disclose or suggest the claimed invention. If the Anthony latch were provided on the Juratovac chain saw, the position of the power pack would still be completely behind the front handle of the chain saw as shown in Juratovac. It would require a radical redesign of the Juratovac chain saw to position the power pack at least partially below the front handle with the claimed location of the center-of-gravity, such that one of ordinary skill in the art would not have been motivated to do so without the improper use of hindsight. MPEP § 4143.01. Accordingly, the combination of Juratovac and Anthony does not disclose or suggest all of the limitations of claim 10, much less claim 19. Applicant respectfully requests that the rejection of claim 19 be withdrawn.

SUMMARY

Claims 1-10 and 12-20 are patentable. Applicant respectfully requests the Examiner grant early allowance of this application. The Examiner is invited to contact the undersigned attorney for the Applicant via telephone at (312) 222-8124 if such communication would expedite this application.

Respectfully submitted,



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